

Danner, Ward

From: Huetteman, Tom
Sent: Friday, October 17, 2014 8:21 AM
To: Armann, Steve
Subject: Fwd: Malibu: Test Results Show Toxicity at MHS 3 Million Times Higher than EPA Screening Levels Allow
Attachments: PCB 126 WW2 Final Report.pdf; ATT00001.htm

EXEMPTION (b)(5) - Internal Deliberative

Tom Huetteman, Assistant Director
Land Division, EPA Region 9
415-972-3751

Begin forwarded message:

From: "Blumenfeld, Jared" <BLUMENFELD.JARED@EPA.GOV>
To: "Huetteman, Tom" <Huetteman.Tom@epa.gov>, "Armann, Steve" <Armann.Steve@epa.gov>
Subject: Fwd: Malibu: Test Results Show Toxicity at MHS 3 Million Times Higher than EPA Screening Levels Allow

Jared Blumenfeld
EPA

Begin forwarded message:

Oct 16th, 2014

Dear District Attorney Jackie Lacy, Sharon Matsumoto, Mr. Joesph Esposito and Mr. Scott Goodwin:

Currently, your office has two sets of independent results for Malibu High that show levels of PCBs over 300,000ppm. As you know, federal law regulates removal of PCBs at 50ppm. Today I am sending you more details regarding these results.

The first set of tests was done by EPA method 8082, which only measures the Aroclor totals. Method 1668c tells us about the 209 individual PCB congeners and is the one scientists and researchers prefer to understand the potential and serious health risks associated with different PCBs congeners. Some congeners are dioxin-like and are orders of magnitude more toxic than total PCBs. These congeners have been linked to different forms of cancer and non-cancer disease. Other congeners are neurotoxic and have been linked to lower IQ, ADHD, autism, and headaches/migraines.

Congener 126 is the most toxic of all PCBs. An EPA certified lab re-ran the independent samples that had revealed levels of PCBs at 370,000ppm and 340,000ppm using EPA method 1668c. This second test showed that those caulk samples contain congener 126 at levels (122ppm and 57ppm) that far exceed the EPA's regional screen level (RSL) for health and safety. These are outrageous concentrations of PCBs, and I've never heard of such high concentrations

of PCB 126, which is the most toxic of the dioxin-like congeners. They must be immediately removed.

--David O. Carpenter, M.D.

Director, Institute for Health and the Environment University at Albany

RSLs are health-based standards, used by the EPA, which indicate a potential unreasonable health risk from toxic chemicals. RSLs, when exceeded, require action. Based on the RSL for PCBs, congener 126 at 122ppm, it is more than 3 million times more toxic than the EPA allows (3.7×10^{-5} or .000037ppm). This number constitutes a serious health risk and warrants direct and immediate action.

As you are well aware, risk of health effects is dependent on exposure and toxicity. There is a significant potential for exposure to PCBs in caulk. When contaminated caulk is disturbed, or deteriorates with age, it produces dust that may contain PCBs. This dust can be inhaled, touched or ingested through normal hand-to-mouth contact. Based on the fact that PCBs have been detected in the air, dust and soil that are the same congener makeup, it is likely that caulk has peeled off and contaminated the surrounding soil, rendering the soil as hazardous to school occupants.

PCBs have also likely been released to air from intact, undisturbed caulk through off gassing and from dust production.

With regards to the toxicity of PCB 126, the scientific literature demonstrates that it is extremely toxic - causing alterations in hormone production, disruptions in cellular processes, and altered gene expression.

Given the nature of the toxicological mechanisms leading to health effects, complete pathways of exposure, and presence of PCB 126 at high levels in the caulk, I believe that the high concentrations of PCBs in the caulk would present an unreasonable risk to children, teachers, and pregnant women at the school.

--Jill Powder, Ph.D., Toxicologist at Environmental Health Decisions

One can assume that other rooms at Malibu High and Juan Cabrillo Elementary that have tested high for PCBs will contain high levels of congener 126. Therefore, action must be taken not just in the two classrooms confirmed, but in all buildings where PCBs are found. We have asked for over eight months for students and teachers must be moved into portable units while complete source testing is conducted to determine the nature and extent of the PCB contamination and a plan can be created to remove all PCBs that violate federal law. It's \$65 to test the caulking. \$110 million has been set-aside for Malibu from bond money already earmarked for health and safety. There is no reason for hesitation on enacting precautionary principles and providing PCB-free learning environments for our students and staff.

We have previously asked that the DA send a public nuisance letter to SMMUSD. We now have unquestionable proof that a serious health hazard exists on campus that students and staff are being exposed to each day. As reported last week, Ocean View District in Huntington Beach closed three schools immediately when a fiber of asbestos was found. Yet PCBs that are banned by Congress and have the weight of federal law behind them are being minimized by our district. We have learned that being the first on the West Coast to report PCBs in schools puts us at the huge disadvantage of having to pave new paths. Yet government agencies, including your own, cannot ignore federal law which is very clear that PCBs are a human health hazard and must be removed:

The Administrator hereby finds, under the authority of section 12(a)(2) of TSCA, that the manufacture, processing, and distribution in commerce of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater present an unreasonable risk of injury to health within the United States. This finding is based upon the well-documented human health and environmental hazard of PCB exposure, the high probability of human and environmental exposure to PCBs and PCB Items from manufacturing, processing, or distribution activities; the potential hazard of PCB exposure posed by the transportation of PCBs or PCB

Items within the United States; and the evidence that contamination of the environment by PCBs is spread far beyond the areas where they are used. In addition, the Administrator hereby finds, for purposes of section 6(e)(2)(C) of TSCA, that any exposure of human beings or the environment to PCBs, as measured or detected by any scientifically acceptable analytical method, may be significant, depending on such factors as the quantity of PCBs involved in the exposure, the likelihood of exposure to humans and the environment, and the effect of exposure. Please contact us to discuss this thoroughly. Most do not know the facts of this case better than our organization. With each passing day, our students and staff are at risk, we look to you for action.

Respectfully,

Jennifer deNicola, President

Malibu Unites

America Unites for KIDS

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"A child's right to a good education includes the freedom to learn in an environment that does not jeopardize their health"